

2017/0290(COD)

COLUMN TABLE FOR INTERINSTITUTIONAL NEGOTIATIONS – WORKING DOCUMENT

Proposal for a directive of the European Parliament and of the Council amending Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States (COM(2017)0648 – C8-0391/2017 – 2017/0290(COD))

Date of the trilogue: 24.1.2019

Committee on Transport and Tourism – Negotiating team

NB: this cover page has been added for technical reasons only.

COM proposal, COM(2017) 0648 final	European Parliament/ Plenary report A8-0259/2018	Council/General Approach, doc. 15147/18	Provisional indications from Presidency
<p>1 THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Having regard to the opinion of the European Economic and Social Committee¹,</p> <p>Having regard to the opinion of the Committee of the Regions²,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>_____</p> <p>(1) OJ C , , p. .</p> <p>(2) OJ C , , p. .</p>			
<p>2 Whereas:</p>			
<p>3</p>	<p>Amendment 1 Recital 1</p>		
<p>4 (1) The negative impact of transport on air pollution, greenhouse gas emissions, accidents, noise and congestion continue to</p>	<p>(1) <i>The overall aim of this Directive is to establish a resource-efficient multimodal transport network and to reduce the</i></p>	<p>(1) The negative impact of transport on air pollution, greenhouse gas emissions, accidents, noise and congestion continue to</p>	

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	<i>pose problems to the economy, health and well-being of European citizens. Despite the fact that road transport is the main contributor of those negative effects, road freight transport is estimated to grow by 60 per cent by 2050.</i>	negative impact of transport on air pollution, greenhouse gas emissions, accidents, noise and congestion [...].	pose problems to the economy, health and well-being of European citizens. Despite the fact that road transport is the main contributor of those negative effects, road freight transport is estimated to grow by 60 per cent by 2050.	
		Amendment 2 Recital 2		
6	(2) Reducing the negative impact of transport activities remains one of the main goals of the Union's transport policy. Council Directive 92/106/EEC ³ which establishes measures to	(2) Reducing the negative impact of transport activities remains one of the main goals of the Union's transport policy. Council Directive 92/106/EEC ³ which establishes measures to encourage the development	(2) Reducing the negative impact of transport activities remains one of the main goals of the Union's transport policy. Council Directive 92/106/EEC ³ which establishes measures to	

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	<p>encourage the development of combined transport, is the only legislative act of the Union to directly incentivise the shift from road freight to lower emission transport modes such as inland waterways, maritime and rail.</p> <hr/> <p>⁽³⁾ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p.38).</p>	<p>of combined transport, is the only legislative act of the Union to directly incentivise the shift from road freight to lower emission transport modes such as inland waterways, maritime and rail. <i>In order to further reduce the negative effects of road freight, research into, and the sharing of, best practices between Member States on solutions leading to better routing, network optimisation, increases in load efficiency and the possibilities for the charging of external costs should be encouraged.</i></p>	<p>encourage the development of combined transport, is the only legislative act of the Union to directly incentivise the shift from road freight to lower emission transport modes such as inland waterways, maritime and rail.</p> <hr/> <p>⁽³⁾ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p.38).</p>	

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		<p>_____</p> <p>(3) Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p.38).</p>		
7		<p>Amendment 3 Recital 3</p>		
8	<p>(3) The goal of reaching 30% of road freight over 300 km shifted to other modes of transport such as rail or waterborne transport by 2030, and more than 50% by 2050, <i>in order to optimise the</i></p>	<p>(3) The goal of reaching 30% of road freight over 300 km shifted to other modes of transport such as rail or waterborne transport by 2030, and more than 50% by 2050, [...] <i>is to be achieved via efficiency</i></p>	<p>(3) The goal of reaching 30% of road freight over 300 km shifted to other modes of transport such as rail or waterborne transport by 2030, and more than 50% by 2050, in order to optimise the performance</p>	

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	<i>performance of multimodal logistic chains, including by making greater use of more energy-efficient modes, has been slower than expected and according to the current projections, will not be reached.</i>	<i>gains and infrastructure improvements within the rail and waterborne sector.</i>	of multimodal logistic chains, including by making greater use of more energy-efficient modes, has been slower than expected and according to the current projections, will not be reached.	
9		Amendment 4 Recital 4		
1	(4) Directive 92/106/EEC has contributed to the development of the Union's policy on combined transport and has helped shift a considerable amount of freight away from road.	(4) Directive 92/106/EEC has contributed to the development of the Union's policy on combined transport and has helped shift a considerable amount of freight away from road. Shortcomings in the	(4) Directive 92/106/EEC has contributed to the development of the Union's policy on combined transport and has helped shift a considerable amount of freight away from road.	

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	Shortcomings in the implementation of that Directive, notably ambiguous language and outdated provisions, <i>and</i> the limited scope of its support measures, have significantly reduced its impact.	implementation of that Directive, notably ambiguous language and outdated provisions, [...] the limited scope of its support measures, <i>as well as the bureaucratic and protectionist obstacles within the rail sector</i> , have significantly reduced its impact.	Shortcomings in the implementation of that Directive, notably ambiguous language and outdated provisions, and the limited scope of its support measures, have significantly reduced its impact.	
		Amendment 5 Recital 4 a (new)		
		<i>(4a) This Directive should pave the way for efficient intermodal and multimodal freight services, offering a level playing field for different</i>		

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		<i>modes of transport.</i>		
		Amendment 6 Recital 5		
	(5) Directive 92/106/EEC should be simplified and its implementation improved by reviewing the economic incentives to combined transport, with the aim of encouraging the shift of goods from road transport to modes which are more environmentally friendly, safer, more energy efficient and cause less congestion.	(5) Directive 92/106/EEC should be simplified and its implementation improved by reviewing the economic incentives to combined transport, with the aim of [...] improving the competitiveness of rail and waterborne transport in comparison to road transport [...].	(5) Directive 92/106/EEC should be simplified and its implementation improved by reviewing the economic incentives to combined transport, with the aim of encouraging the shift of goods from road transport to modes which are more environmentally friendly, safer, more energy efficient and cause less congestion.	
		Amendment 7 Recital 6		

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	<p>(6) The volume of national intermodal operations constitutes 19,3% of the total intermodal transport in the Union. Such operations currently do not benefit from the support measures provided by Directive 92/106/EEC because of the limited scope of the definition of combined transport. However, the negative effect of national road transport operations, and notably greenhouse gas emissions and congestion, have an impact beyond the</p>	<p>(6) The volume of national intermodal operations constitutes 19,3% of the total intermodal transport in the Union. Such operations currently do not benefit from the support measures provided by Directive 92/106/EEC because of the limited scope of the definition of combined transport. However, the negative effect of national road transport operations, and notably greenhouse gas emissions and congestion, have an impact beyond the national borders. Therefore it is necessary to broaden</p>	<p>(6) [...]</p>	

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	<p>national borders. Therefore it is necessary to broaden the scope of Directive 92/106/EEC to national (intra-Member State) combined transport operations in order to support the further development of combined transport in the Union, hence an increase in the modal shift from road to rail, inland waterways and short sea shipping.</p>	<p>the scope of Directive 92/106/EEC to national (intra-Member State) combined transport operations in order to support the further development of combined transport in the Union, hence an increase in the modal shift from road to rail, inland waterways and short sea shipping. <i>The derogation from the cabotage rules continues, however, to apply only to international combined transport operations between Member States. The Member States will be required to carry out effective checks to ensure</i></p>		

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		<p><i>that those rules are observed and to promote the harmonisation of working and social conditions across the various modes of transport and the different Member States.</i></p>		
			<p>(6a) Article 2 of Directive 92/106 EEC prohibits national quotas and authorisations for combined transport operations. This Directive does not affect bilateral agreements concluded by Member States with third countries regarding combined transport operations.</p>	

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	<p>(7) A combined transport operation is to be seen as one single transport operation that directly competes with a unimodal transport operation from the point of departure to the final destination. Regulatory conditions should ensure equivalence between international combined transport and international unimodal transport, and national combined transport and national unimodal transport respectively.</p>		<p>(7) [...] While the further liberalisation contained in Article 4 of Directive 92/106/EEC compared to cabotage in Regulation (EU) No 1072/2009 has been beneficial to promote combined transport and should, in principle, be retained, it is necessary to ensure that it is not misused. Experience shows that that provision, in certain parts of the Union, has been used in a systematic manner to circumvent the temporary nature of cabotage and as the</p>	

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			<p>basis for continuous presence of vehicles in a Member State other than that of the establishment. Such unfair practices risk leading to social dumping and jeopardize the respect of the legal framework relating to cabotage. Article 4 of Directive 92/106/EEC should therefore be amended by giving Member States the possibility to address such problems by introducing a proportionate limit to the continuous presence</p>	

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			of vehicles within their territory.	
1		Amendment 8 Recital 7 a (new)		
2		<i>(7a) In order to ensure the good functioning of the internal market, the road legs of a combined transport operation should be covered by Regulation (EC) No 1071/2009^{1a} of the European Parliament and of the Council and Regulation (EC) No 1072/2009^{1b} of the European Parliament and of the Council if they are part of an international</i>	(7a) The road haulage leg of a combined transport operation is subject to the Union rules on road freight transport. In particular, road haulage legs of combined transport operations which are national road carriages are not covered by the exemptions to Directive 96/71/EC in the <i>lex specialis</i> on posting of workers in road transport, and the	

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		<p><i>transport operation or of a domestic transport operation respectively. It is also necessary to ensure the social protection of drivers performing activities in another Member State. Provisions on posting of drivers, provided for under Directive 96/71/EC of the European Parliament and of the Council^c, and on the enforcement of those provisions under Directive 2014/67/EU of the European Parliament and of the Council^d, should apply to hauliers operating on the road legs of combined transport</i></p>	<p>general posting rules thus apply fully from the first such operation within a host Member State. Additionally, the Union rules on access to the occupation of road transport operator, on driving and rest periods and on tachographs are fully applicable to the road legs of combined transport operations. This includes in particular the new requirement relating to the organisation of the work of drivers in such a way that the driver is able to return to the Member State of</p>	

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		<p><i>operations. Road legs should be considered to be an integral part of a single combined transport operation. In particular, the rules on international transport operations provided for by those Directives should apply to the road legs which are part of an international combined transport operation. In addition, in the event of cabotage operations, the rules on cabotage transport laid down in Regulation 1072/2009 should apply to the road legs which are part of a domestic combined transport operation.</i></p>	<p>establishment of the employer or to the driver's place of residence regularly.</p>	

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		<p><i>(1a) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L300, 14.11.2009, p. 51).</i></p> <p><i>(1b) Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L300, 14.11.2009, p. 72).</i></p>		

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		<p><i>(1c) Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, (OJ L 18, 21.1.1997, p. 1).</i></p> <p><i>(1d) Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative</i></p>		

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		<p><i>cooperation through the Internal Market Information System ('the IMI Regulation'), (OJ L 159, 28.5.2014, p. 11).</i></p>		
2	<p>(8) The current definition of combined transport includes different distance limits for the road legs of a combined transport operation, according to the mode of the non-road leg, and, for rail, the absence of a fixed distance limit but instead takes account of the notion of "nearest suitable terminal" to provide some flexibility to take account of specific situations. That</p>		<p>(8) The definition of combined transport in Directive 92/106/EEC includes different distance limits for the road legs of a combined transport operation, according to the mode of the non-road leg [...]. For rail, [...] there is no fixed distance limit but instead [...] the undefined notion of "nearest suitable terminal" [...] providing some flexibility to take account</p>	

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	<p>definition has raised many difficulties in its implementation due to various interpretations and specific difficulties to establish the conditions for implementation. It would be useful to lift those ambiguities while also ensuring that some measure of flexibility is retained.</p>		<p>of specific situations. That [...] limitation has raised many difficulties in its implementation due to various interpretations and specific difficulties to establish the conditions for implementation. [...] Those ambiguities should be lifted while also ensuring that some measure of flexibility is retained. In particular, allowing an equal catchment area for all modal combinations and facilitating enforcement thanks to the simplicity of measuring the road leg distance in direct line based on addresses or</p>	

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			<p>GNSS coordinates of the beginning and end point of a road leg (by using, for instance, existing tools) would simplify the planning of combined transport operations.</p>	
2			<p>(8a)The objectives of this Directive to further promote the shift from road transport to more environmentally friendly modes of transport, and hence reduce the negative effects of the Union transport system, should be reached on the whole territory of the European Union. Whereas the 150km distance limit as the crow</p>	

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			<p>flies in principle allows an equal catchment area for all modes of transport in all Member States, regional differences due to geographic and economic criteria, as well as population density, have to be taken into account. A certain flexibility to exceed this road leg distance limit could be needed if a road/rail terminal suitable in terms of transshipment equipment and/or terminal capacity cannot be found within this distance. To the same extent, flexibility is</p>	

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			<p>needed for reducing this road leg distance limit in specific, clearly defined cases in order to ensure that all Member States experience a shift from road to environmentally friendly modes of transport and to avoid that some regions benefit from a modal shift, while others, on the contrary, experience even more road transport: in the situation when a road leg transits the territory of a Member State without loading or unloading freight, that Member State may choose not to</p>	

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			<p>apply the support measures foreseen by this Directive.</p>	
2	<p>(9) In the current definition of combined transport, the minimum distance of 100 km for the non-road leg of a combined transport operation ensures that most combined transport operations are covered. Rail and short sea shipping legs run over large distances to be competitive with road-only transport. That minimum distance also ensures exclusion from the scope of specific operations such as short ferry crossings or</p>		<p>(9) In the [...] definition of combined transport in Directive 92/106/EEC, the minimum distance of 100 km for the non-road leg of a combined transport operation ensures that most combined transport operations are covered. Rail and short sea shipping legs typically run over [...] larger distances to be competitive with unimodal road[...] transport. That minimum distance also ensures exclusion from the scope</p>	

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	<p>deep sea transport which would occur anyway. However, with such limitations, a number of inland waterways operations around ports and in and around agglomerations, which contribute greatly to decongesting the road networks in sea ports and in the immediate hinterland and to reducing environmental burdens in agglomerations, are not considered for the purposes of combined transport operations. It would therefore be useful to remove that minimum distance while maintaining</p>		<p>of specific operations such as short ferry crossings [...] which would occur anyway. However, with such [...] a minimum distance limitation, a number of inland waterways operations around ports and in and around agglomerations, which contribute greatly to decongesting the road networks in sea ports and in the immediate hinterland and to reducing environmental burdens in agglomerations, [...] do not fall under the scope of the current Combined Transport Directive. It would therefore be useful</p>	

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	the exclusion of certain operations such as those including deep sea shipments or short-distance ferry crossings.		to remove that minimum distance limitation , while maintaining the exclusion of [...] non-road legs the sole purpose of which is to overcome a natural obstacle and that do not bring along modal shift in the EU. Such excluded non-road legs include direct island crossings by ferry (such as Cork-Roscoff or from Puttgarden to Rødby) or through a tunnel (such as the Eurotunnel) where there is no road alternative to the non-road leg, and cases where there is a theoretical road	

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			<p>alternative for the non-road leg of the operation, but this road leg is not commercially viable as it is considerably longer and causing uncompetitive delays and prices, such as the ferry crossing from Tallinn to Stockholm, or the ferry crossing from Bari to Dubrovnik. On the other hand, if rail or inland waterways is used before or after a ferry crossing, and the conditions for initial and final road legs are met, the transport chain from shipper to consignee should also qualify as</p>	

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			<p>combined transport. Moreover, non-road legs consisting of island connections where the operator chooses to go by ferry to a more distant port instead of the closest one, and thus avoiding a considerable distance of road transport, such as choosing Cork-Santander instead of driving from Roscoff to Spain, should not be excluded and should be able to benefit from support, as they bring along modal shift.</p>	
2			<p>(9a) Furthermore, while the current definition of combined transport only</p>	

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			<p>covers operations between Member States, a part of an intermodal transport operation between Member States and a third country should be interpreted to be covered by the Directive if the Union part of the operation fulfils the conditions set out in the definition of combined transport, as it brings modal shift in the Union. In that case, however, the non-road leg that crosses a European Union border has to be at least 100 km on EU territory. To avoid any doubt, a clarification</p>	

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			to this effect is necessary.	
2			(9b) While the part of intermodal transport operations starting or ending in third countries that takes place within the Union is covered by this Directive under certain conditions, the conditions for access to the market and access to occupation applicable to hauliers from third countries continue to be subject to Union or Member States agreements with third countries containing provisions on road transport.	

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2		Amendment 9 Recital 9 a (new)		
2		(9a) It is necessary to clarify that crenable trailers and semi-trailers are allowed to have a gross weight of 44 tonnes if the loading units are identified according to international standards ISO6346 and EN13044.		
2	(10) The minimum size limit of load units currently specified in the definition of combined transport could hamper the future development of innovative intermodal solutions for urban transport. On the		(10)The minimum size limit of [...] intermodal loading units currently specified in the definition of combined transport could hamper the future development of innovative intermodal solutions for urban	

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	<p>contrary, being able to identify load units through existing standards could speed up their handling in terminals and facilitate the flow of the combined transport operations in order to ensure the easier treatment of defined load units and ensure that they are future-proof.</p>		<p>transport and any limit to container size or format should therefore be removed. On the [...] other hand, being able to identify [...] intermodal loading units through existing [...] and widely used means of identification could speed up [...] the handling of intermodal loading units in terminals and facilitate the flow of the combined transport operations [...]. The maximum dimensions allowed for intermodal loading units on the initial and final road legs are [...] governed by the</p>	

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			provisions of Directive 96/53/EC.	
		Amendment 10 Recital 11		
3	(11) The outdated usage of stamps in proving that a combined transport operation has occurred prevent the effective enforcement or the verification of eligibility for the measures provided for in Directive 92/106/EEC. The evidence necessary to prove that a combined transport operation is taking place should be clarified as well as the means by which such	(11) The outdated usage of stamps in proving that a combined transport operation has occurred prevent the effective enforcement or the verification of eligibility for the measures provided for in Directive 92/106/EEC. The evidence necessary to prove that a combined transport operation is taking place should be clarified as well as the means by which such evidence is provided. The	(11) The outdated usage of stamps in proving that a combined transport operation has occurred prevent the effective enforcement or the verification of eligibility for the measures provided for in Directive 92/106/EEC. The evidence necessary to prove that a combined transport operation is taking place should be clarified as well as the means by which such	

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	<p>evidence is provided. The use and transmission of electronic transport information, which should simplify the provision of relevant evidence and its treatment by the relevant authorities, should be encouraged. The format used should be reliable and authentic. The regulatory framework and initiatives simplifying administrative procedures and the digitalisation of transport aspects, should take into consideration developments at Union level.</p>	<p>use and transmission of electronic transport information, which should simplify the provision of relevant evidence and its treatment by the relevant authorities, should be encouraged <i>with a view to phasing out the use of paper documents in the future</i>. The format used should be reliable and authentic. The regulatory framework and initiatives simplifying administrative procedures and the digitalisation of transport aspects, should take into consideration developments at Union level.</p>	<p>evidence is provided. In particular it is important to reiterate that such evidence may be provided, partly or fully, through existing transport documents such as consignment notes provided for under various international conventions. The use and [...] presentation of [...] transport information through electronic means such as eCMR electronic consignment notes⁴ should be encouraged as it simplifies the provision of relevant evidence. In this regard, it is important to</p>	

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			<p>ensure the acceptance of electronic information by the relevant authorities.</p> <p>The [...] provided evidence, whether on paper or in electronic format, should be reliable and authenticated, depending on the format by a written signature, a stamp or an electronic authentication method.</p> <p>The regulatory framework and initiatives simplifying administrative procedures and the digitalisation of transport aspects should take into consideration developments at Union level.</p>	

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			<hr/> <p>(4) Provided for in the Additional Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR) concerning the Electronic Consignment Note.</p>	
3		<p align="center">Amendment 11 Recital 11 a (new)</p>		
3		<p>(11a) <i>With a view to making combined transport competitive and attractive to operators, in particular for very small enterprises (VSEs) and small and medium-sized enterprises (SMEs), the potential administrative burden entailed in carrying out a</i></p>		

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		<i>combined transport operation as opposed to a unimodal operation should be minimised.</i>		
3	(12) The scope of the current economic support measures defined in Directive 92/106/EEC is very limited, consisting of fiscal measures (namely the reimbursement or reduction of taxes) which concern only combined rail/road transport operations. Such measures should be extended to combined transport operations covering inland waterways and maritime transport. Other relevant types of measures, such as	(12) The scope of the current economic support measures defined in Directive 92/106/EEC is very limited, consisting of fiscal measures (namely the reimbursement or reduction of taxes) which concern only combined rail/road transport operations. Such measures should be extended to combined transport operations covering inland waterways and maritime transport. Other relevant types of measures, such as infrastructure <i>and digital-</i>	(12) The scope of the current economic support measures defined in Directive 92/106/EEC is very limited, consisting of fiscal measures (namely the reimbursement or reduction of taxes) which concern only certain types of combined rail/road transport operations. [...] Other relevant measures for all modal combinations should also be [...] encouraged in order to [...] reduce the share of road freight and	

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	<p>infrastructure investment support measures or different economic support measures, should also be supported.</p>	<p>technology investment support measures or different economic support measures, should also be supported. <i>With regard to digital technologies, a transitional period for the dematerialisation of documents that certify that combined transport has occurred should be provided for. During that period, the inspecting authorities' instruments should be technologically upgraded. Member States should prioritise investment in transshipment terminals in order to reduce congestion on the roads,</i></p>	<p>to encourage the use of other modes of transport [...] such as rail, inland waterways and maritime transport [...] to reduce air pollution, greenhouse gas emissions, road traffic accidents, noise and congestion.</p>	

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		<i>to alleviate the isolation of industrial areas which lack such infrastructure and to improve the accessibility and physical and digital connectivity of freight handling facilities.</i>		
3		Amendment 13 Recital 13		
3	(13) The main infrastructure bottleneck hampering the shift from road freight to other modes of transport is at the transshipment terminal level. The current distribution and coverage of transshipment terminals in the Union, at least along the existing TEN-T Core	(13) The main infrastructure bottleneck hampering the shift from road freight to other modes of transport is at the transshipment terminal level, and it is aggravated by a lack of coherent implementation of the TEN-T's network. The current distribution and	(13)The main infrastructure bottleneck hampering the shift from road freight to other modes of transport is at the transshipment terminal level. The current distribution and coverage of transshipment terminals in the Union, [...] including along the existing TEN-T	

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	<p>and Comprehensive network, is insufficient yet the capacity of existing transshipment terminals is reaching its limit and will need to develop in order to cope with overall freight traffic growth. Investing in transshipment terminal capacity may reduce overall transshipment costs, and hence produce a derived modal shift, as demonstrated in some Member States. Member States should therefore ensure, in coordination with the neighbouring Member States and with the Commission, that more combined transport</p>	<p>coverage of transshipment terminals in the Union, at least along the existing TEN-T Core and Comprehensive network, is insufficient yet the capacity of existing transshipment terminals is reaching its limit and will need to develop in order to cope with overall freight traffic growth. Investing in transshipment terminal capacity may reduce overall transshipment costs, and hence produce a derived modal shift, as demonstrated in some Member States. Member States should therefore ensure, in coordination with the neighbouring Member</p>	<p>Core and Comprehensive network, is insufficient [...], while the capacity of existing transshipment terminals is reaching its limit and will need to develop in order to cope with overall freight traffic growth. Investing in transshipment terminal capacity may reduce overall transshipment costs, and hence produce a derived modal shift, as demonstrated in some Member States. Member States [...] may take measures to support investment that [...] would ensure that a network of efficient</p>	

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	<p>transshipment terminals and transshipment capacity are constructed or made available to transport operators. This would incentivise the use of freight transport alternatives and increase modal shift, thus making combined transport operations more competitive than road transport alone. The increased coverage and capacity of transshipment terminals should, at the very minimum, be established along the existing TEN-T Core and Comprehensive networks. There should be on</p>	<p>States and with the Commission, that <i>existing transshipment terminals are, where necessary, extended and that</i> more combined transport transshipment terminals and transshipment capacity are constructed or made available to transport operators <i>or that transshipment points are installed in areas where they are needed.</i> This would incentivise the use of freight transport alternatives and increase modal shift, thus making combined transport operations more competitive than road transport alone. The</p>	<p>combined transport transshipment terminals [...] with sufficient transshipment capacity [...] to meet existing and future demand for transport infrastructure will be available to transport operators. Such measures could take the form of national transport policy planning, dedicated land planning, public private partnerships, lease of national or municipal land for dedicated purpose or different state aid measures. This would make combined transport operations</p>	

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	<p>average at least one suitable transshipment terminal for combined transport located no further than 150 km from any shipment location in the Union.</p>	<p>increased coverage and capacity of transshipment terminals should, at the very minimum, be established along the existing TEN-T Core and Comprehensive networks. There should be on average at least one suitable transshipment terminal for combined transport located no further than 150 km from any shipment location in the Union. <i>Combined transport should benefit from revenues generated from the levy of external-costs charges provided for under Article 2 of Directive 1999/62/EC of</i></p>	<p>more competitive compared to unimodal road transport and thus incentivise the use of freight transport alternatives and increase modal shift [...].</p> <p>(13a) The increased coverage, efficiency and capacity of transshipment terminals should, at the very minimum, be established along the existing TEN-T Core and Comprehensive networks. [...] In order for operations to be able to benefit from this Directive, and giving due consideration to population density,</p>	

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		<p><i>the European Parliament and of the Council^{1a}.</i></p> <hr/> <p><i>(1a) Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures, (OJ L187, 20.07.1999, p. 42).</i></p>	<p>geographical or natural constraints, market conditions and trade and freight flows, a long-term aim should be to have on average at least one suitable transshipment terminal for combined transport located no further than 150 km from any shipment location in the Union. Coordination between Member States and, where appropriate, with the Commission would facilitate achieving this target.</p>	
3			<p>(13b) In particular when a terminal is supported with public money, it seems important that</p>	

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			<p>open access without discrimination is granted to all combined transport users, at least for a certain period of time. A minimum period of 5 years seems appropriate since, for example, contracts for co-funding terminals under the ESI fund-programme contain this provision.⁵ A longer time period may, however, be foreseen by other contracts, programmes and/or Member States. Measures which document such open, non-discriminatory access (such as</p>	

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			<p>publishing information on charges for terminal services) could contribute to further promotion of intermodal transport and hence to a derived modal shift.</p> <hr/> <p>(5) As foreseen by Regulation (EU) 1303/2013, in particular Art.71</p>	
		<p>Amendment 14 Recital 13 a (new)</p>		
		<p><i>(13a) Member States should prioritise investment in transshipment terminals to reduce bottlenecks and</i></p>		

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		<p><i>congestion areas, in particular near urban and sub-urban areas, in order to make it easier to cross natural barriers such as mountain areas, to improve cross-border connections, to reduce harmful airborne emissions and to improve access to and from industrial areas which lack such infrastructure.</i></p>		
4		<p>Amendment 15 Recital 14</p>		
	<p>(14) Member States should implement additional economic support measures in addition to</p>	<p>(14) Member States should implement additional economic support measures in addition to the existing</p>	<p>(14) Member States [...] may implement [...] economic support measures in addition to the existing</p>	

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	<p>the existing ones, targeting the various legs of a combined transport operation, in order to reduce the road freight and to encourage the use of other modes of transport such as rail, inland waterways and maritime transport, thereby reducing air pollution, greenhouse gas emissions, road traffic accidents, noise and congestion. Such measures may include the reduction of certain taxes or transport fees, grants for intermodal load units effectively transported in combined transport</p>	<p>ones, targeting the various legs of a combined transport operation, in order to reduce the road freight and to encourage the use of other modes of transport such as rail, inland waterways and maritime transport, thereby reducing air pollution, greenhouse gas emissions, road traffic accidents, noise and congestion, <i>as well as encouraging action to boost and implement the digitalisation of the sector and the internal market.</i> Such measures may include the reduction of certain taxes or transport fees, grants for intermodal load</p>	<p>ones, targeting the various legs and elements of a combined transport operation [...]. Such measures may, without prejudice to Articles 29 to 37 of Directive 2012/34/EU, include for example the reduction of certain taxes [...], infrastructure access charges, external cost charges, congestion charges or other transport fees, direct grants for transporting intermodal [...] loading units [...] in combined transport operations, [...] partial reimbursement of transhipments cost,</p>	

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	operations, or the partial reimbursement of transhipments cost.	units effectively transported in combined transport operations, or the partial reimbursement of transhipments cost, <i>among other measures. Such measures could include fostering the integration of connected systems and the automation of operations as well as investment in digital logistics, innovative freight handling systems information and communications technologies and intelligent transport systems, in order to facilitate information flows. Such measures</i>	exemption from traffic bans, support for investments into digital solutions for combined transport.	

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		<p><i>could also include boosting the environmental performance, efficiency and sustainability of combined transport by encouraging the use of clean or low-emission vehicles and alternative fuels, supporting energy efficiency efforts and the use of renewables throughout the combined transport chain and reducing the various types of nuisance associated with transport, including noise.</i></p>		
4		<p>Amendment 16 Recital 14 a (new)</p>		

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4		<i>(14a) The various Union funds and programmes for financing research should continue to support the Member States in achieving the aims of this Directive.</i>		
4		Amendment 17 Recital 14b (new)		
4		<i>(14b) Investment in logistics is another important lever for making combined transport more competitive. More systematic recourse to digital solutions, including information and</i>		

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		<p><i>communication technologies and smart connected systems, would facilitate data exchange, help to make transshipment operations more efficient and less costly and reduce the time they take.</i></p>		
4		<p>Amendment 18 Recital 14 c (new)</p>		
4		<p><i>(14c) Investment in workforce training in the logistics chain, particularly at transshipment terminals, would also help to make combined transport more competitive.</i></p>		

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4		Amendment 19 Recital 15		
4	(15) Support measures for combined transport operations should be implemented in compliance with the State aid rules contained in the Treaty on the Functioning of the European Union (TFEU).	(15) Support measures for combined transport operations should be implemented in compliance with the State aid rules contained in the Treaty on the Functioning of the European Union (TFEU). <i>State aid facilitates the development of economic activities when it does not affect trading conditions to an extent contrary to the common interest within the meaning of Article 107(3)(c) TFEU, and it is a useful tool to</i>	(15) Support measures for combined transport operations [...] must be implemented in compliance with the State aid rules contained in the Treaty on the Functioning of the European Union (TFEU). Furthermore, taking into account the importance of such support for development of combined transport, the Commission should assess the possibility to design criteria for the compatibility with the	

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		<p><i>promote the execution of important projects of common European interest within the meaning of Article 107(3)(b) TFEU. Therefore, in such cases, the Commission should consider partially exempting Member States from the requirement to inform the Commission provided for in Article 108(3) TFEU.</i></p>	<p>internal market of certain types of aid for combined transport in the light of experience developed.</p>	
4		<p>Amendment 20 Recital 16</p>		
5	<p>(16) Support measures should be coordinated, as needed,</p>	<p>(16) To ensure the avoidance of possible overlapping investments between</p>	<p>(16) [...] (moved to recital 13a)</p>	

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	between Member States and the Commission.	<i>Member States in close proximity, support</i> measures should be coordinated, as needed, between Member States and the Commission <i>by means of close cooperation between the Member States' competent authorities.</i>		
5		Amendment 21 Recital 17		
5	(17) Support measures should also be reviewed on a regular basis by the Members States to ensure their effectiveness and efficiency.	(17) Support measures should also be reviewed on a regular basis by the Members States to ensure their effectiveness and efficiency, <i>and their overall impact on the European</i>	(17) Support measures should also be reviewed on a regular basis by the Members States to ensure their effectiveness and efficiency.	

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		<p><i>transport sector, as reflected in the European Strategy for Low Emission Mobility should be assessed. Corrective measures should be taken as needed. The Commission should carry out, on the basis of information supplied by the Member States, an assessment of the various measures that the Member States undertake and the effectiveness of those measures, and should promote the sharing of good practice.</i></p>		
	<p>5 (18) For the purposes of this Directive, there should not be a distinction between</p>		<p>(18) For the purposes of this Directive, there should not be a distinction</p>	

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	combined transport for hire or reward and own-account combined transport.		between combined transport for hire or reward and own-account combined transport.	
		Amendment 22 Recital 18 a (new)		
		(18a) <i>The lack of comparable, reliable statistics is currently impeding the evaluation of combined transport in the Union and the adoption of measures to release its potential.</i>		
		Amendment 23 Recital 19		
	(19) To cope with the evolution of Union transport, and in	(19) To cope with the evolution of Union transport, and in	(19)To cope with and allow an evaluation of the	

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	<p>particular the combined transport market, relevant data and information should be gathered by the Member States and reported to the Commission on a regular basis and the Commission should submit a report to the European Parliament and the Council on the application of this Directive every four years.</p>	<p>particular the combined transport market, relevant data and information should be gathered by the Member States and reported to the Commission on a regular basis and the Commission should submit a report to the European Parliament, the Council <i>and the Member States' competent authorities</i> on the application of this Directive every four years.</p>	<p>evolution of Union transport, and in particular of the combined transport market, relevant, comparable and reliable data and information should be gathered at Union level, as well as by the Member States and reported to the Commission on a regular basis [...]. The Commission should submit a report to the European Parliament and the Council on the application of this Directive every [...] five years. Where available, and to avoid duplication of work and administrative burden,</p>	

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			<p>relevant combined transport related data and information from existing sources, such as EUROSTAT or national statistical databases, should be re-used for that purpose.</p>	
5			<p>(19a) In order to ensure uniform conditions to facilitate the required reporting by the Member States, the Commission should adopt guidelines for the Member States describing the methods for compiling and presenting the information on combined transport</p>	

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			operations referred to in Article 5(1).	
5		Amendment 24 Recital 19 a (new)		
6		<i>(19a) The Commission should be responsible for the proper implementation of this Directive and for achieving the objective of developing combined transport EU-wide by 2030 and 2050. To that end, it should regularly assess progress in increasing the share of combined transport in each Member State, on the basis of the information provided by</i>		

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		<p><i>the Member States, and should, if necessary, submit a proposal to amend to this Directive with a view to achieving that Union-wide objective.</i></p>		
6	<p>(20) Transparency is important for all stakeholders involved in combined transport operations, notably those affected by this Directive. To support such transparency, and promote further cooperation, competent authorities should be identified in each Member State.</p>		<p>(20) Transparency is important for all stakeholders involved in combined transport operations[...]. To support such transparency, [...] it is important to ensure publication of all relevant rules, measures and [...] contact details [...] in an easily accessible way.</p>	
6	<p>(21) In order to take into account market developments and</p>		<p>(21) [...]</p>	

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	<p>technical progress the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Directive with further details on the information on combined transport operations to be reported by the Member States. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those</p>			

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	<p>consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the</p>			

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	preparation of delegated acts.			
6		Amendment 25 Recital 22		
6	(22) Since the objectives of this Directive to further promote the shift from road transport to more environmentally friendly modes of transport, and hence reduce the negative externalities of the Union transport system , cannot be sufficiently achieved by the Member States but can rather, by reason of the primarily cross-border	(22) Since the objectives of this Directive [...], namely to make combined transport competitive towards road transport [...] cannot be sufficiently achieved by the Member States but can rather, by reason of the primarily cross-border nature of freight combined transport and interlinked infrastructure, and of the problems this Directive is intended to address, be	(22) Since the objectives of this Directive to further promote the shift from road transport to more environmentally friendly modes of transport, and hence reduce the negative externalities of the Union transport system, cannot be sufficiently achieved by the Member States but can [...], by reason of the primarily cross-border nature of freight combined	

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	<p>nature of freight combined transport and interlinked infrastructure, and of the problems this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	<p>better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives</p>	<p>transport and interlinked infrastructure, and of the problems this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	

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<p>(23) Directive 92/106/EC should therefore be amended accordingly,</p>		<p>(23) Directive 92/106/[...] EEC should therefore be amended accordingly,</p>	
<p>WE HAVE ADOPTED THIS DIRECTIVE:</p>			
<p><i>Article 1</i></p>		<p><i>Article 1</i></p>	
<p>Directive 92/106/EEC is amended as follows:</p>		<p>Directive 92/106/EEC is amended as follows:</p>	
<p>(1) the title is replaced by the following::</p>		<p>(1) the title is replaced by the following::</p>	

	COM proposal, COM(2017) 0648 final	European Parliament/ Plenary report A8-0259/2018	Council/General Approach, doc. 15147/18	Provisional indications from Presidency
7	"Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods"		"Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of international combined transport of goods";	C <i>Propose CGA</i> <i>EP wants a clear harmonised Union framework.</i>
7			Article 1a: The purpose of this Directive is to contribute to the reduction of air pollution, greenhouse gas emissions, road traffic accidents, noise and congestion by promoting the development of combined transport operations and to	B <i>Propose CGA</i> <i>Linked to Art 6(8) - line 214</i>

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			encourage the modal shift of freight transport from road to other modes of transport such as rail, inland waterways and maritime transport by increasing the competitiveness of combined transport operations compared to road freight.	
7	(2) Article 1 is replaced by the following:		(2) Article 1 is replaced by the following:	
7	"Article 1 1. This Directive applies to combined transport operations.		"Article 1 1. This Directive applies to international combined transport operations.	C <i>Propose CGA</i>
7	2. For the purposes of this Directive, 'combined		2. For the purposes of this Directive, ' international	C <i>Propose CGA</i>

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	transport' means carriage of goods by a transport operation, consisting of an initial or final road leg of the journey, or both, as well as a non-road leg of the journey using rail, inland waterway or maritime transport:		combined transport' means carriage of [...] intermodal loading units (loaded or empty) by a transport operation between Member States, or between Member States and a third country , consisting of an initial or final road leg of the journey, or both, as well as [...] one or more non-road [...] legs of the journey using rail, inland waterway or maritime transport: Intermodal loading units shall be understood to be:	
7		Amendment 26 Article 1 – paragraph 2 – point a		

	COM proposal, COM(2017) 0648 final	European Parliament/ Plenary report A8-0259/2018	Council/General Approach, doc. 15147/18	Provisional indications from Presidency
7	<p>(a) in a trailer or semi-trailer, with or without a tractor unit, swap body or container, identified in accordance with the identification regime established pursuant to international standards ISO6346 and EN13044, where the load unit is transhipped between the different modes of transport; or</p>	<p>(a) in a trailer or semi-trailer, with or without a tractor unit, swap body or container, identified in accordance with the identification regime established pursuant to international standards ISO6346 and EN13044, including crenable semi-trailers with a maximum gross weight allowance of 44 tonnes, where the unaccompanied intermodal load unit is transhipped between the different modes of transport</p>	<p>(a) [...] a trailer or semi-trailer, [...] without a tractor unit, swap body or container, identified [...] in accordance with the identification regime established pursuant to international standards ISO6346 and EN13044, where the [...] unaccompanied intermodal loading unit is transhipped between the different modes of transport; or</p>	<p>C <i>Propose CGA</i></p>

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		<i>(unaccompanied combined transport operation); or</i>		
7		Amendment 27 Article 1 - paragraph 2 - point b		
7	(b) by a road vehicle that is carried by rail, inland waterways or maritime transport for the non-road leg of the journey.	(b) by a road vehicle that is accompanied by its driver and carried by rail, inland waterways or maritime transport for the non-road leg of the journey (accompanied transport operation) .	(b) [...] a road vehicle [...] (a lorry with or without a trailer, or a semi-trailer with a tractor unit), or a non-cranable semi-trailer carried by rail, inland waterways or maritime transport for the non-road leg of the journey.	B <i>Propose CGA</i> <i>In the EP text, a road vehicle is not defined anywhere. CGA definition is more specific. The main difference concerns the identification of non-cranable semi-trailers.</i>
7		Amendment 28 Article 1 - paragraph 2 - subparagraph 1 a (new)		

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§		<i>By way of derogation, point (a) of this paragraph shall until [OJ please insert date 5 years after entry into force of this Directive] also cover non-cranable trailers and semi-trailers in unaccompanied combined transport that are not identified in accordance with the identification regime established pursuant to international standards ISO6346 and EN13044.</i>		B <i>Linked with the previous AM.</i>
§		Amendment 29 Article 1 - paragraph 2 - subparagraph 2		

	COM proposal, COM(2017) 0648 final	European Parliament/ Plenary report A8-0259/2018	Council/General Approach, doc. 15147/18	Provisional indications from Presidency
8	Non-road legs using inland waterway or maritime transport for which there is no equivalent road transport alternative or which are unavoidable in a commercially viable transport operation shall not be taken into consideration for the purposes of the combined transport operations.	Non-road legs using inland waterway or maritime transport for which there is no equivalent or commercially viable road transport alternative [...] shall not be taken into consideration for the purposes of the combined transport operations.	[...] 2a. This Directive shall only apply to those combined transport operations in which at least one of the non-road legs [...] has an equivalent viable road transport alternative [...] and thus the total operation, [...] brings along modal shift in the Union.	A, B <u>Proposed compromise text provided that commercially viable is defined:</u> 2a. This Directive shall only apply to those combined transport operations in which at least one of the non-road legs has an equivalent or commercially viable road transport alternative and thus the total operation, brings along modal shift in the Union.
8		Amendment 30 Article 1 - paragraph 3 - subparagraph 1		
8	3. Each road leg referred to in paragraph 2 shall not exceed the longest of the	Each road leg referred to in paragraph 2 shall not exceed [...] 150 km in	3. Each road leg referred to in paragraph 2 shall not exceed [...]:	C <i>Propose CGA</i>

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	<i>following distances</i> in the territory of the Union:	<i>distance</i> in the territory of the Union.		<i>Significant difference between 150 km in distance and 'as the crow flies': it may mean about 1/3 shorter distance than 'as the crow flies', especially in mountainous or bay areas.</i>
8	(a) 150 km in distance as the crow flies;	[...]	[...]150 km in distance as the crow flies.	
8	(b) 20% of the distance as the crow flies between the loading point for the initial leg and the unloading point for the final leg, when it amounts to more than the distance referred to in point (a).	[...]	[...]	<i>EP AM the same as CGA</i>
8	That road leg distance limit shall apply to the total length of each road leg, including all intermediary pick-ups		That road leg distance limit shall apply to the total length of each road leg[...] regardless of any intermediary pick-ups on	A, if there is agreement on lines 84-85 <i>Linked to lines 84, 85</i>

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	and deliveries. It shall not apply to the transport of an empty load unit or to the pick-up point of the goods or from the delivery point of the goods.		the initial leg and deliveries [...] on the final leg of the journey. The transport of [...] empty [...] loading units before an initial [...] or after a final road leg (such as from [...] or to a container depot) is not considered as part of a combined transport operation.	<i>Propose CGA</i>
8		Amendment 31 Article 1 - paragraph 3 - subparagraph 3		
8	The road leg distance limit may be exceeded for combined road/rail transport operations, when authorised by the Member State or	Exceeding the road leg distance limit [...] specified in this paragraph for combined road/rail transport operations [...] shall be allowed by the	3a. [...] If a road/rail terminal suitable in terms of transshipment equipment and/or terminal capacity cannot be found within a distance of 150 km as	C <i>Propose to keep CGA</i> <i>EP proposed compromise:</i>

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	<p>Member States on whose territory the road leg takes place, in order to reach the geographically nearest transport terminal which has the necessary operational transshipment capability for loading or unloading in terms of transshipment equipment, terminal capacity and appropriate rail freight services.</p>	<p>Member State or Member States on whose territory the road leg takes place, <i>if this is necessary</i> in order to reach the geographically nearest transport terminal <i>or transshipment point</i> which has the necessary operational transshipment capability for loading or unloading, in terms of transshipment equipment, terminal capacity, <i>terminal opening times</i> and appropriate rail freight services, <i>in the absence of a transshipment terminal or point fulfilling all of these conditions within the distance limit . Such excess should be duly</i></p>	<p>the crow flies, this road leg distance limit may be exceeded for combined [...] transport operations, [...] in order to reach the geographically nearest suitable transport terminal which has the necessary operational transshipment capability [...] in accordance with rules specified by the Member States. For this purpose, Member States shall identify if the necessary operational transshipment capability is not available and identify the suitable alternatives. Member</p>	<p>If a road/rail terminal suitable in terms of transshipment equipment and/or terminal capacity cannot be found</p> <p>C <i>Propose to keep CGA</i></p>

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		<p><i>justified in accordance with Article 3 paragraph 2, point ea.</i></p> <p><i>Member States may reduce the 150 km length of the road leg by up to 50% in the case of combined road/rail operations on a precisely defined part of their territory on the grounds of environmental reasons provided that a suitable terminal is located within that distance limit.</i></p>	<p>States shall publish these rules.</p> <p>3b. A Member State may decide not to apply the support measures provided in Article 6 of this Directive to a road leg which is transiting its territory without loading or unloading freight.</p>	
9		<p>Amendment 32 Article 1 - paragraph 4</p>		

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9	4. A combined transport operation shall be deemed to take place in the Union where the operation or the part thereof taking place in the Union fulfils the requirements laid down in paragraphs 2 and 3.	4. A combined transport operation shall be deemed to take place in the Union where the operation or the part thereof taking place in the Union fulfils the requirements laid down in paragraphs 2 and 3. <i>For the purpose of this Directive, the road leg and/or non-road leg or the part thereof taking place out of the territory of the Union shall not be considered to be part of the combined transport operation.</i>	4. [...] Where a combined transport operation [...] starts and/or ends outside of the Union [...], this Directive shall apply to the part of the operation [...] in the Union if:	<i>Tentatively agreed: CGA</i>
9			(a) the part [...] of operation taking place in the Union fulfils the requirements	<i>Tentatively agreed: CGA</i>

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			laid down in paragraphs 2, 2a, 3, 3a and 3b and	
§			(b) the non-road leg that crosses a Union border is at least 100 km long in the Union.	<i>Tentatively agreed: CGA</i>
§	(3) Article 3 is replaced by the following:		(3) Article 3 is replaced by the following:	
§		Amendment 33 Article 3 - paragraph 1		
§	"Article 3 1. Member States shall ensure that road transport is considered forming part of a combined transport operation covered by this Directive only if the carrier	"Article 3 1. Member States shall ensure that road transport is considered forming part of a combined transport operation covered by this Directive only if the carrier	"Article 3 1. Member States shall ensure that road transport is considered forming part of a combined transport operation covered by this Directive only if the [...]	A, B, C <i>The main issues:</i> - structure of the list - A issue - digitalisation - C issue - standardised form (line 138) C issue

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	<p>can produce clear evidence that such road transport constitutes a road leg of a combined transport operation, including the transport of empty load units before and after the transport of goods.</p>	<p>can produce information providing clear evidence that such road transport constitutes a road leg of a combined transport operation [...] and if that information is duly transmitted to the haulier carrying the transport operation before the start of the operation.</p>	<p>haulier carrying out the given road transport operation can produce clear evidence that such road transport constitutes a road leg of a combined transport operation[...].</p>	<p>- <i>ex-post</i> check + its duration (line 136)- C issue</p> <p><u>Proposed compromise:</u></p> <p>1. Member States shall ensure that road transport is considered forming part of a combined transport operation covered by this Directive only if the haulier carrying out the given road transport operation can produce information providing clear evidence that such road transport constitutes a road leg of a combined transport operation.</p>
9		<p>Amendment 34 Article 3 - paragraph 2 - introductory part</p>		<p><i>Similar as above</i></p>

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§ 2.	The evidence referred to in paragraph 1 shall comprise the following details for each combined transport operation:	2. [...] <i>In order to be considered to be clear evidence, the information shall be presented or transmitted in the format referred to in paragraph 5 and</i> shall comprise the following details for each combined transport operation:	2. The evidence referred to in paragraph 1 shall comprise the following [...] information:	<i>Tentatively accepted: CGA on the structure of the list of evidence/information presented in Art. 3.</i>
§	(a) the name, address, contact details and signature of the shipper; [...]		(a) the name, address, and contact details [...] of the shipper or the [...] operator who organises the combined transport operation [...] on	<i>Proposed compromise:</i> (a) the name, address, and contact details of the shipper or, if different from the shipper , the operator who organises the combined transport operation routing on behalf of the shipper.

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			<p>behalf of the [...] shipper.</p>	
			<p>(b) identification of the intermodal loading unit transported, or in case an road vehicle is carried in a non-road leg, identification of this road vehicle;</p>	<p><i>Proposed compromise:</i></p> <p>(b) identification of the intermodal loading unit transported, or in case an road vehicle [or a non-cranable semi-trailer] is carried in a non-road leg, identification of this road vehicle [or a non-cranable semi-trailer];</p> <p><i>Depends on agreement on AM 27, 28.</i></p>
		<p>Amendment 35 Article 3 - paragraph 2 - point a a (new)</p>		

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		<i>(aa) if different from the shipper, the name, address, contact details and signature of the operator responsible for the routing of the combined transport operation;</i>		<i>Merged with line 99</i>
	(b) the place and date where the combined transport operation begins in the Union;		[...]	<i>Tentatively accepted: CGA</i>
	(c) the name, address and contact details of the consignee;		(c) the name, address and contact details of the consignee;	<i>COM text</i> <i>Proposed compromise.</i> <i>Add another point.</i>

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				(ca) name, address and contact details of the carrier carrying out the given leg;
	(d) the place where the combined transport operation ends in the Union;		(d) the [...] combined transport operation routing: – the places where each of the different legs of combined transport operation start and end in the Union and respective dates;	<i>Proposed compromise.</i> (d) the [...] combined transport operation routing: – the places where each of the different legs of combined transport operation start and end in the Union and respective dates, specifying the mode of transport for each leg;
	(e) the distance as the crow flies between the		– the [...] following distances:	<i>CGA tentatively agreed, with the exception of 'as the crow flies'</i>

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	place where the combined transport operation begins and the place where the combined transport operations ends in the Union;		<ul style="list-style-type: none"> (i) distances as the crow flies for each road leg in the Union; (ii) [...]; (iii) combined transport operations subject to Article 1.4 (b), the distance of the non-road leg in the Union. 	
		<p style="text-align: center;">Amendment 36 Article 3 - paragraph 2 - point e a (new)</p>		
		<p style="text-align: center;"><i>(ea) if that distance exceeds the limits referred to in Article 1(3), a justification in</i></p>	<ul style="list-style-type: none"> - The road leg may only exceed 150km in accordance and compliance with the 	<p style="text-align: center;"><i>Final language subject to agreement on the issue of nearest suitable terminal in Article 1(3).</i></p>

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		<p><i>accordance with the criteria provided for in the last subparagraph thereof;</i></p>	<p>relevant rules of the Member States referred to in Article 1(3a);</p>	<p><u>Proposed compromise:</u></p> <p>- The justification for the distance exceeding the road leg may only exceed 150km of road leg, in accordance and compliance with the relevant rules of the Member States referred to in Article 1(3a);</p>